IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE L.NARASIMHA REDDY**

**WRIT PETITION NO : 2449 of 2005**

Between:

Vanga Damodar Rao, S/o Subbaiah,
R/o V.M. Banjara Village, Penuballi Mandal, Khammam District.

**..... PETITIONER**

AND

1 The District Collector, Khammam District,Khammam.
2 The Mandal Revenue Officer, Penuballi Mandal, Penuballi, Khammam District.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in resorting to furnish the voters list of Water Users Association, 204/Minor Rathoni, Gouraram, Penuballi Mandal, Khammam District, without considering the objections of the petitioner and without following the procedure as contemplate under Rule 9 of the A.P. Formers' Management of Irrigation Systems (Delineation and formation of Water users Association) Rules, 2003 as highly illegal, arbitrary, unjust and improper and consequently direct the respondents to prepare voters list as per Sec 2 (3) (q) of A.P. Farmers' Irrigation System Act, 1997 and Rule 9 of the A.P. Farmers' Management of Irrigation Systems ( Delineation and formation of Water Users Association) Rules, 2003 and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

**Counsel for the Petitioner: MR.BADANA.BHASKARA RAO**

**Counsel for the Respondents: GP FOR IRRIGATION & COMM AREA DEV.**

**The Court at the stage of admission made the following ORDER:**

The petitioner claims to be an ayacutdar of an irrigation tank situated at V.M.Banjara village, Penuballi mandal, Khammam district. He complains that the respondents are preparing voters' list contrary to the provisions of the A.P. Farmers' Management of Irrigation Systems Act, 1997 and the Rules made there under and proceeding to conduct elections and he challenges the various steps taken by the respondents.

Heard the learned counsel for the petitioner and the learned Government Pleader for Irrigation.

Rule 9 of the A.P. Farmers' Management of Irrigation Systems (Delineation and Formation of Water Users Association) Rules, 2003 prescribes the procedure for preparation of voters' list. The District Collector, may, himself prepare the list or may cause it to be prepared by an authorized officer. In the instant case, the second respondent, who comes within the definition of an authorized officer, published a notice in form 'D'. A list of ayacutdars under the said tank is published and objections are invited. The petitioner claims to have submitted objections for the various entries made in the annexure to the notice in form 'D'. It is not his case that any list has been prepared thereafter and that the same is in contravention of any of the provisions. The petitioner cannot challenge the very issuance of notice in form 'D', which is a step in the direction of inviting objections.

Therefore, the writ petition is premature and the same is accordingly dismissed. It shall be open to the petitioner to work out his remedies, in case his objections submitted for the entries in the list enclosed to the notice in form 'D' are not considered. There shall be no order as to costs.

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14.02.2005

ksld

To

1 The District Collector, Khammam District,Khammam.

2 The Mandal Revenue Officer, Penuballi Mandal, Penuballi, Khammam District.

3 Two C.Cs. to the GP for Irrigation & Comm Area Dev. High Court of A.P., Hyderabad, (OUT).

4 Two C.D. Copies.